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OFFICE OF PETITIONS

In re Application of
Aniouar Bjeoumikhov et al.
Application No. 09/800,804
Filed: March 7, 2001
Attorney Docket No. 101215-205

ON PETITION

This is a decision on the petition, filed December 22, 2005, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.


A Final Office Action was mailed February 25, 2003 which set a three month period for response. In response thereof, an amendment was filed July 25, 2003 (certificate of mail date) with a two month extension of time request. In response thereof, an Advisory Notice was mailed August 13, 2003 indicating that the amendment filed July 25, 2003 did not place the application in condition for allowance. Thereafter a Notice of Abandonment was mailed January 13, 2004.

Petitioner argues that in response to the Advisory Action, a Request for Continued Examination (RCE) was filed August 25, 2003, with an extension of time request, and that therefore the Notice of Abandonment was mailed in error.

A search of the application file and the USPTO records reveals that in fact, an RCE and extension of time, extending the response date to August 25, 2003, were filed on August 27, 2003 (August 25, 2003 certificate of mail date). The RCE requested that the amendment filed July 25, 2003 be used as the submission required under 37 CFR 1.114. In view thereof, the response was timely and the Notice of Abandonment mailed January 13, 2004 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2882 for processing the RCE filed August 25, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.


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Office of Petitions